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## *Questions and Answers: The Local Law Enforcement Hate Crimes Prevention Act*

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**Question: What is the "Local Law Enforcement Hate Crimes  
Prevention Act"?**

**Answer:** The LLEHCPA adds sexual orientation, gender, gender identity and disability to *existing* federal law conferring authority on the federal government to investigate and prosecute violent crimes. This authority already exists for crimes committed *because of* the victim's race, color, religion and national origin and because they were attempting to exercise a federally protected right. The bill ensures a federal backstop to assist local law enforcement in those cases in which they request assistance or fail to adequately investigate or prosecute these serious crimes. The bill would also provide assistance to local law enforcement for investigating and prosecuting bias-motivated violent crimes.

**Question: Isn't every crime a "hate crime"?**

**Answer:** Every act of violence is tragic and harmful in its consequences, but not all crime is based on hate. A hate crime or bias motivated crime occurs when the perpetrator of the crime intentionally selects the victim because of *who the victim is*. A bias motivated crime affects not only the victim and their family but an entire community or category of people and their families. A study funded by the Bureau of Justice Statistics released September 2000, shows that 85 percent of law enforcement officials surveyed recognize bias motivated violence to be more serious than similar crimes not motivated by bias.

**Question: Don't hate crimes laws threaten free speech and the  
First Amendment?**

**Answer:** Hate crimes laws punish violent acts, not beliefs or thoughts - even violent thoughts. The LLEHCPA does not punish, nor prohibit in any way, name-calling, verbal abuse or expressions of hatred toward any group even if such statements amount to hate speech. The Act does not punish thought or speech or criticism of another person. It only covers a bias-motivated crime that "willfully causes bodily injury to any person or, through the use of fire, a firearm, or an explosive or

incendiary device, attempts to cause bodily injury to any person."

The First Amendment forbids the government from punishing an individual's speech, including an individual's expressive associations. Nothing in this act would prohibit the lawful expression of one's deeply held religious beliefs. As hurtful as these comments can be, people will remain free to say things like: "Homosexuality is sinful"; "Homosexuality is an abomination"; or "Homosexuals will not inherit the kingdom of heaven."

**Question: How serious is the problem of bias motivated violence?**

**Answer:** Evidence indicates that bias motivated crimes are underreported; however, statistics show that since 1991 over 100,000 hate crime offenses have been reported to the FBI, with 7,163 reported in 2005, the FBI's most recent reporting period. Crimes based on sexual orientation constituted 14.2 percent of all bias motivated crimes in 2005, with 1,017 reported for the year. While the FBI doesn't specifically collect data on hate crimes based on gender identity, we know that all too often the transgender community is affected by some of the most horrific hate violence

Additionally, the Hate Crimes Statistics Act makes the reporting of bias motivated crimes by state and local jurisdictions voluntary, resulting in no participation by many jurisdictions each year. It is widely recognized that violent crimes on the basis of sexual orientation often go unreported due to fear and stigmatization. A Department of Justice report released in October 2001 confirms that bias motivated crimes are underreported; that a disproportionately high percentage of both victims and perpetrators of these violent crimes are young people under 25 years of age; and that only 20 percent of reported hate crimes result in arrest.

**Question: Isn't it better to leave the investigation and prosecution of violent crimes to the states?**

**Answer:** The vast majority of these crimes will continue to be prosecuted at the state level. The importance of the Local Law Enforcement Hate Crimes Prevention Act is that it provides a backstop to state and local law enforcement by allowing a federal prosecution if - and only if - it is necessary to achieve an effective, just result, and to permit federal authorities to assist in investigations.

**Question: Is the LLEHCPA a penalty-enhancement statute?**

**Answer:** No, the LLEHCPA is not a penalty-enhancement statute. Congress addressed the sentence enhancement issue by passing the Hate Crimes Sentencing Enhancement Act as part of the Violent

Crime Control and Law Enforcement Act of 1994. The law already allows judges to impose harsher penalties for hate crimes, including hate crimes based on gender, disability and sexual orientation that occur in national parks and on other federal property.

**Question: Who supports this legislation?**

**Answer:** The bill is endorsed by notable individuals and over 210 law enforcement, civil rights, civic and religious organizations, including: President George H.W. Bush's Attorney General Dick Thornburgh; National Sheriffs' Association; International Association of Chiefs of Police; U.S. Conference of Mayors; Presbyterian Church; Episcopal Church; and the Parent's Network on Disabilities. Poll after poll continues to show that the American public supports hate crimes legislation inclusive of sexual orientation, including a February 2007 poll conducted by Peter Hart Research Associates, showing that three in four (or 73 percent) of voters favor support strengthening hate crimes laws to include sexual orientation and gender identity.

**FOR MORE INFORMATION:**

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